

REMARKS

In the Office Action, the Examiner averred that "the inventions listed in Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the . . . reasons." See page 2 of the Office Action. Specifically, the Examiner asserts that there is no technical feature linking Groups I-III.

Rule 13 permits combinations of different categories of claims in one application. See WIPO PCT Administrative Instructions, ANNEX B, PART 2. In particular, Applicant respectfully draws the attention of the Office to (e)(i) in WIPO PCT Administrative Instructions, ANNEX B, PART 2, wherein different product claims (claim 17 in this application) and a claim for use of said product (claim 1 and claim 7 in this application) have been found to satisfy unity of invention.

Moreover, Applicant respectfully submits that the subject matter of the pending claims 1-20 are sufficiently related so that a thorough search for the subject matter of one group of claim(s) would necessarily encompass a search for the other groups of claims. Thus, Applicant respectfully submits that all the claims can be searched and examined without any serious burden to the Examiner.

It is further submitted that in view of the fees charged for filing of divisional patent applications, and prosecuting and maintaining the resulting patents place an undue burden on the Applicant, which justifies that any restriction or election requirement be clearly supported and made according to the patent examining procedure.

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Based upon the above remarks, Applicant respectfully requests reconsideration and withdrawal of this restriction requirement and early allowance of the pending claims. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite prosecution of this application, the Examiner is urged to contact the undersigned attorney.


The Commissioner is hereby authorized to charge any fees, which may be required by this paper, to Deposit Account No. 18-0586.

I hereby certify that this paper and the papers referred to herein as being transmitted, submitted, or enclosed herewith in connection with U.S. Serial No. 10/549,961 is/are being facsimile transmitted to the United States Patent and Trademark Office fax number 571 273 8300 on the date shown below.


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Respectfully submitted,
REED SMITH LLP


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